

RECEIVED
CENTRAL FAX CENTER
FEB 26 2009

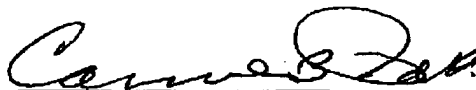
LUC-446 / Bostrom 6-7-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bostrom et al. EXAMINER: Nghi V. Tran
APPLN. NO.: 10/719,453 GROUP: 2151 CONF. NO. 2590
FILED: 11/21/2003 DOCKET: LUC-446/Bostrom 6-7-12
TITLE: ADVISING A NETWORK COMPONENT FOR CONTROL OF
COMMUNICATION SESSION CONNECTION THROUGH
EMPLOYMENT OF ONE OR MORE COMMUNICATION SESSION
RESTRICTIONS

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop AF, Group Art Unit 2151, Attention: Examiner Nghi V. Tran, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on February 26, 2009.



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Date of Signature: February 26, 2009

Commissioner for Patents
Mail Stop AF
Group Art Unit 2151
Attention: Examiner Nghi V. Tran
P.O. Box 1450
Alexandria, VA 22313-1450
Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

REMARKS

Applicants request Pre-Appeal Brief Review of the Final Office Action for the reasons stated below.

Rejections Under 35 U.S.C. § 101

Claims 1-13 and 20 were rejected under 35 U.S.C. § 101 as allegedly being directly and/or indirectly related to a computer program and/or a computer software application. These rejections are respectfully, but most strenuously, traversed.

The Office Action (page 3) states:

Further, in the paragraphs 0032 and 0033 of the specification, the applicant wrote, "the apparatus comprises computer software components and example of a computer readable signal bearing medium comprises electrical medium" that are directed to non-statutory subject matter...

Applicants note that paragraph 32 (page 13, lines 11-13) recites the following:

The apparatus 100 in one example comprises a plurality of components such as one or more of electronic components, hardware components, and computer software components... (emphasis added)

The computer software components are listed as an example and accordingly are not required by the apparatus. For example, the specification further recites (page 5, lines 21-23):

The application server component 106 in one example comprises an instance of a recordable data storage medium 112.

Applicants further note that the application server component is a server component, not an application (e.g., computer program application). For example, the specification recites (page 13, lines 14-16):

An exemplary component of the apparatus 100 employs and/or comprises a set and/or series of computer instructions written in or implemented with any of a number of programming languages, as will be appreciated by those skilled in the art.

Accordingly, the apparatus may employ (e.g., execute) the computer instructions or comprise the computer instructions, for example, within the recordable data storage medium 112 of the application server component 106 as described on page 13, lines 17-22:

The apparatus 100 in one example employs one or more computer-readable signal-bearing media. Examples of a computer-readable signal-bearing medium for the apparatus 100 comprise the recordable data storage medium 112 of the application server component 106. For example, the computer-readable signal-bearing medium for the apparatus 100 comprises one or more of a magnetic, electrical, optical, biological, and atomic data storage medium. (emphasis added)

Examples of electrical storage media are known to those skilled in the art and include, but are not limited to, semiconductor memory chips (e.g., based on transistors and capacitors) as used in EPROM, EEPROM, and flash memory chips.

Withdrawal of the § 101 rejection is therefore respectfully requested.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-3, 5-7, 11, 14-15, and 17-20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bravo et al. (U.S. Patent Appl. Pub. No. 2002/0177433; "Bravo"). Claims 4 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bravo in view of Klensin et al. (U.S. Patent Appl. Pub. No. 2003/0191971; "Klensin"). Claims 8-9 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bravo in view of Barak et al. (U.S. Patent Appl. Pub. No. 2002/0126821; "Barak"). Claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bravo in view of Barnes (U.S. Patent Appl. Pub. No. 2005/0136949). These rejections are respectfully, but most strenuously, traversed.

Applicants' independent claim 1 recites:

...communication session restrictions on incoming communication sessions terminated to the mobile communication device.

Claim 1 further recites:

... communication session restrictions set by one or more administrators...

Bravo discloses that a user of a user computing device attempts to access a restricted item provided by a restricted item provider over an internet connection. The cellular service provider acts as an intermediary between the restricted item provider and the user (paragraph 25) and does not restrict communications to the cell phone. The user computing device comprises a personal computer, workstation, automated teller machine, point of sale terminal, or personal digital assistant. Bravo fails to disclose that the user computing device comprises a mobile communication device or the communication session restrictions on incoming communication sessions terminated to the mobile communication device.

The Final Office Action (page 4, line 5) alleges that the access control administrator 130 of Bravo corresponds to the administrator of claim 1. However, FIG. 1 of Bravo shows that the access control administrator is a computing device with a processor, memory, and a cellular routing database. Applicants submit that "administrator" in claim 1 corresponds to a person, as described in the disclosure (page 5, line 15), which recites: "For example, the administrator 114 is a parent or a manager of the user 118".

The Final Office Action (page 4, line 6) further alleges that the user cellular telephone 115 of Bravo corresponds to the mobile communication device. Bravo discloses (paragraph 25) that "the user computing device 110 attempts to access a restricted item provided by a restricted item provider 120." In contrast, claim 1 recites that the communication session restriction is on the mobile communication device (e.g., the user cellular telephone).

Referring to claim 2, the Final Office Action alleges (page 5, section 9) that the access control administrator 130 also corresponds to the website employed by the administrator to set the communication session restrictions. However, Bravo fails to make any mention of a website used for setting communication session restrictions. It is unclear how the access control administrator 130 can perform the tasks of both a website and an administrator, as alleged by the Office Action.

The Office Action did not rely on Barak, Barnes, or Klensin to reject claim 1, but applicants note that they fail to disclose the above limitations, as described in the previous response filed July 29, 2008.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

6

LUC-446 / Bostrom 6-7-12

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: February 26, 2009

PATTI, HEWITT & AREZINA, LLC
Customer Number 47382